

BOARD OF EXAMINERS IN OPTOMETRY

Regular Session Minutes

**May 25, 2011
DHMH
4201 Patterson Avenue #105
Baltimore, MD 21215
9:30 a.m.**

The regular session meeting of the Board of Examiners in Optometry was held on Wednesday, May 25, 2011. Board members present were, Thomas Azman, O.D., Jo Anne Brilliant, O.D., Kisha Fields Matthews, Phyllis M. Strickland, O.D., Stephen Kwan, O.D., Frederick J. Walsh, Ph.D. and Brian T. Woolf, O.D. Also present was Patricia G. Bennett, Board Administrator, Kecia Dunham, Licensing Coordinator and Delia Turano Schadt, Board Counsel.

A. Opening of Meeting

Dr. Azman opened the regular session of the Board meeting at 9:38 a.m.

B. Minutes

The regular session minutes of the meeting held on March 23, 2011 were approved with the following correction - section "B" first sentence, there should be a space between 2011 and were. Dr. Brilliant moved and Kisha Fields Matthews seconded the motion to accept the minutes as corrected. The Board's vote was unanimous.

C. Committee Reports

1. Continuing Education - Dr. Brilliant

Dr. Brilliant reported that Dr. Olachi Mezu, M.D., O.D. submitted her CV for the Board to review and accept her medical professional activities and research toward meeting the continuing education requirements for licensure renewal. The Board will request that Dr. Mezu submit any continuing education documentation that is related specifically to the eye, vision care, optometry, etc. that she has taken within the current licensure.

2. Credentialing- Dr. Kwan

Dr. Kwan reported that Dr. Harry Snyder submitted a letter requesting that the Maryland Board allow him to become eligible to use therapeutic drugs in Maryland by accepting the passing of an examination given by the Board of Medicine in Virginia in 1996. The Board's requirements for TPA certification include documentation of 110 hours of therapeutic continuing education, an 8 hour steroids course and a passing score on the TMOD exam. Patricia Bennett and Delia Schadt will draft the Board's response to Dr. Snyder denying his request and citing the appropriate statute provisions. Drs. Azman and Woolf recused themselves.

3. QEI – Dr. Brilliant

Dr. Brilliant reported that the QEI Committee had its meeting on May 12, 2011 where the Committee finalized the 2011 CE Project that will be disseminated following the closing of the renewal cycle in late July or early August. The Board has approved the project for 6 therapeutic hours. Dr. Brilliant reported that the Committee reviewed 70 patient records for the 2009 Record Review Audit and that close out letters are being sent out to the licensees who were audited.

4. Rehabilitation- Dr. Azman

Dr. Azman reported that there was current information to report.

5. Budget – Dr. Strickland

Dr. Strickland reported that the Board's Special Fund Balance as of May 6, 2011 is \$123,134.39 and the remaining expense budget for FY 11 is \$56,811.

6. ARBO- Dr. Strickland

Dr. Strickland reported that the Annual ARBO meeting will be held on June 12-14, 2011 in Salt Lake City, Utah. Patricia Bennett will be presenting at the Executive Directors/Administrators forum about the QEI Committee. Dr. Azman will present the Board's position during the Delegate Assembly discussion regarding Board Certification. Dr. Jennifer Stone's name was submitted for approval to become a COPE Reviewer. A motion was made by Dr. Brilliant and seconded by Dr. Strickland for approval. The Board's vote was unanimous.

7. Legislation- Dr. Kwan & Kisha Fields Matthews

There was no current information to report regarding the legislative session.

D. Old Business

1. Regulations

Sanctioning Guideline- Drs. Kwan and Strickland

Drs. Kwan and Strickland discussed the committee's draft Guidelines for Disciplinary Sanctions or Imposition of a Penalty that was submitted to the Board for review, corrections, comments and changes. The Committee will meet in July to include definitions and add regulatory language into the draft. Another draft will be submitted for Board review at the September meeting.

2. Legislation

There was no discussion regarding legislation. HB 114 and SB 145 will remain on the agenda until all issues and requirements have been implemented.

E. Administrator's Report – Patricia Bennett

Ms. Bennett reported that Secretary Joshua Sharfstein, M.D. will meet with Board Administrators & Executive Directors and Board Presidents/Chairpersons on June 13, 2011 concerning customer service and how boards handle scope of practice issues statewide and nationally. The Secretary's office requested contact information for all board members to communicate his future projects. Ms. Bennett will report that the Board created a Patient Bill of Rights and performed an internal evaluation of its consumer information program. The Board used a survey tool that was prepared by the National Citizen Advocacy Center and used by the Board several years ago.

Ms. Bennett submitted the ARBO Annual Report and noted that the Board had numerous accomplishments in 2010. The report included information regarding the on-line renewal process that began in April, 2011 which includes a 20% random continuing education audit. Ms. Bennett indicated that many of the doctors submitted their OE Tracker CE history detail sheets which streamlined the review process. The Board has received great feedback from licensees about no requirement to post Continuing Education on-line.

F. New Business

1. Opt Out Form

Ms. Schadt prepared a notice for licensees who wish to be excluded from distribution lists for marketing and commercial purposes. If an optometrist wishes to be removed from this list, he/she must notify the Board in writing. Licensees can use either the Opt Out form or any form of written correspondence. The name will be flagged and removed from all marketing and commercial lists.

2. Centers for Disease Control Investigation

Ms. Bennett reported that the Board received a letter from the CDC about an investigation that was being co-conducted with DHMH of a rare but serious eye infection called Acanthamoeba keratitis. The CDC is requesting a list of all optometrists practicing in the State of Maryland to ask for assistance in recruiting volunteers to participate in a phone-based survey about their eye care habits. Ms. Schadt revised a statement that will be posted on the Board's website. A motion was made by Dr. Kwan and seconded by Dr. Woolf to post this information on the website. The Board's vote was unanimous.

3. Maryland Dispensing Guidelines

The Board received an inquiry about Maryland regulations governing the dispensing of medications by licensed optometrists. The Board's response is that licensed optometrists are not authorized by statute or regulation to dispense medications.

4. Discussion re: Retail Establishments – Walmart, Costco, etc.

There was brief discussion about licensees who work in retail establishments and the fact that they are responsible ultimately as practitioners for their conduct and practice as professionals regardless of the practice environment.

5. Script for Epi-Pen

The Board received an inquiry from a licensee about writing a script for an epi-pen to be filled at a pharmacy under her optometric license. The Board's response to the licensee is that epi-pens can be purchased from businesses where other medical supplies are secured.

The regular session of the Board adjourned as there was a power outage in the building.

Respectfully submitted,

Kisha Fields Matthew, Secretary